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IN THE CLAIMS:

Please cancel claims 1-5, 45-50 and 63-69 without prejudice to consideration in a continuing application. Please amend claim 51 and add new claim 70 as set forth in the following listing of the claims and their status.

Claims 1-50 (canceled)

51. (currently amended) A method of creating a transverse cavity in a bone having a compression fracture, comprising the steps of:

identifying a surface in a bone that is to be restored to its normal anatomical position, said surface generally defining a transverse plane;

inserting a tool having a tool body area into the bone adjacent said surface;

after insertion, activating a movable element operably supported by said tool in a direction outwardly from said tool body and through a path consisting essentially of a substantially flat plane that is substantially parallel to said surface to define a transverse cavity having an area greater than said tool body area and a substantially uniform height in a direction generally perpendicular to said transverse plane.

52. (previously added) The method of claim 51 wherein said movable element includes a blade pivotably mounted on said tool body to swing through an arc.

53. (previously added) The method of claim 52, wherein said blade is blunt.

54. (previously added) The method of claim 52, wherein said blade includes a cutting surface.

55. (previously added) The method of claim 52, wherein said blade is mounted on said tool body for rotational motion about a pivot.

56. (previously added) The method of claim 55, wherein said rotational motion of said blade is activated by a push-pull motion.

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57. (previously added) The method of claim 52, wherein said blade is defined by a flexible element pivotally mounted to said tool body at a hinge point, said flexible element swinging outwardly upon being activated to define said transverse cavity.

58. (previously added) The method of claim 51, wherein said area of said transverse cavity is generally oval in shape.

59. (previously added) The method of claim 51, wherein the compression fracture to be restored is selected from the group consisting of vertebral compression fractures, tibial plateau fractures, distal radius fractures, calcareous fractures, distal tibial fractures, and humeral fractures.

60. (previously added) The method of claim 51, wherein the compression fracture is a vertebral compression fracture and said surface to be restored is an endplate surface of a vertebral body.

61. (previously added) The method of claim 60, wherein said tool is inserted through the pedicle of said vertebral body along a surgical entry point.

62. (previously added) The method of claim 61, wherein said surgical entry point is selected from the group of approaches consisting of a transpedicular approach and an extra-pedicular approach.

Claims 63-69 (cancelled)

70. (New) The method of claim 51, wherein said tool body is generally elongate defining a longitudinal axis and while said movable element is activated said tool body is maintained in a fixed position relative to any rotational movement about said longitudinal axis.